

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JAMES BRADY,

Plaintiff,

-against-

20 CIVIL 7047 (LJL)

JUDGMENT

GREGORY SHEINDLIN and THE SHEINDLIN
LAW FIRM,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 25, 2021, because Rooker-Feldman "implicates the federal courts' subject matter jurisdiction, rather than the substantive merits of a case," the Court "lacks the power to dismiss with prejudice." Charles v. Levitt, 716 F. App'x 18, 22 (2d Cir. 2017); see Katz v. Donna Karan Co., L.L.C., 872 F.3d 114, 121 (2d Cir. 2017) ("[W]hen a case is dismissed for lack of federal subject matter jurisdiction, 'Article III deprives federal courts of the power to dismiss [the] case with prejudice.'") (quoting Hernandez v. Conriv Realty Assocs., 182 F.3d 121, 123 (2d Cir. 1999)). Accordingly, the Complaint is dismissed without prejudice. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962); accordingly, this case is closed.

Dated: New York, New York

February 25, 2021

RUBY J. KRAJICK

Clerk of Court

BY:


Deputy Clerk